

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CIVIL ACTION NO. C-10-158
	§	
SEAN JOSEPH	§	

**ORDER**

On this day came on to be considered Plaintiff's Motion to Reconsider Motion for Summary Judgment. (D.E. 10.)

On May 24, 2010, Plaintiff United States filed this action, seeking to recover student loan debt owed to the United States by Defendant Sean Joseph. (D.E. 1.) On July 13, 2010, Plaintiff filed a Motion for Summary Judgment (D.E. 5), which the Court denied on December 6, 2010 because "Plaintiff has not demonstrated through sufficient summary judgment evidence that Defendant signed the promissory note at issue." (D.E. 6 at 3.) Specifically, the copy of the promissory note submitted with Plaintiff's Motion for Summary Judgment did not contain Mr. Joseph's legible signature, and thus did not satisfy Plaintiff's burden of proof.<sup>1</sup> In denying the Motion, the Court specifically stated that the denial was "subject to reconsideration upon presentation of sufficient summary judgment evidence." (D.E. 6 at 3.)

Plaintiff has now submitted a promissory note upon which Mr. Joseph's signature is legible. (D.E. 8-2 at 1.) Plaintiff has therefore satisfied its burden on summary judgment. Mr. Joseph has not responded to Plaintiff's Motions, although he did appear at


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<sup>1</sup> To recover on a promissory note, the United States must establish that (1) Defendant signed the note; (2) the government is the current owner or holder of the note; and (3) the note is in default. United States v. Lawrence, 276 F.3d 193, 197 (5th Cir. 2001); United States v. Lewis, 2005 U.S. Dist. LEXIS 35267 (W.D. Tex. Dec. 5, 2005).

the Court's March 25, 2011 status conference. At that time, he did not dispute that the promissory note contained his signature, nor that his student loan was at issue.

In light of the foregoing, the Court concludes that Plaintiff's Motion to Reconsider Plaintiff's Motion for Summary Judgment is GRANTED. (D.E. 10.) The Court reconsiders its December 6, 2010 Order, and now GRANTS Plaintiff's Motion for Summary Judgment. (D.E. 5.)

SIGNED and ORDERED this 25th day of March, 2011.

  
Janis Graham Jack  
United States District Judge